

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

GALVESTON DIVISION

STATE OF TEXAS, ET AL.	§	
	§	
V.	§	CIVIL ACTION NO. G-06-626
	§	
JABRON JACOB SIMS	§	
and DEREK JEFFERSON BUTTS	§	

OPINION AND ORDER

After failing to request a continuance or to appear at a Show Cause Hearing before the United States Magistrate Judge, the Magistrate Judge, on November 8, 2006, remanded, *sua sponte*, several removed misdemeanor criminal cases against Plaintiffs, Jabron Jacob Sims and Derek Jefferson Butts, to the Municipal Court of League City, Texas. On November 13, 2006, the Plaintiffs filed a “ Petition for Rehearing and Objection to the Magistrate’ s Report/Order, and Recommendation to Remand.”


Because a Motion to Remand a case to state court is a non-dispositive matter, the decision of the Magistrate Judge is reviewed under the clearly erroneous or contrary to law standard. See 28 U.S.C. § 636(b)(1)(A), see also Dugas v. Jefferson County, 911 F. Supp. 251 (E.D. Tex. 1995) In the instant case, the Plaintiffs have still shown no basis for removal of these criminal matters from the Municipal Court and, given the very limited authority for such removals under 28 U.S.C. § 1443, this Court can conceive of none. Nor can this Court conceive of any justifiable reason to excuse Plaintiffs’ decision to ignore the Order of the Magistrate Judge to appear at the Show Cause Hearing.

In the opinion of this Court, the Order of Remand entered by the United States Magistrate Judge on November 8, 2006, is not clearly erroneous or contrary to law and it is, therefore, emphatically **AFFIRMED**.

It is, therefore, **ORDERED** that this cause is **REMANDED** to the Municipal Court of League City, Texas.

It is further **ORDERED** that any further attempts by Plaintiffs to pursue the removal of these clearly non-removable misdemeanors may be met with the imposition of sanctions.

DONE at Galveston, Texas, this 21st day of November, 2006.



Samuel B. Kent
United States District Judge